

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DEMAURION DAVIS and
ACCESS NOW, INC., individually
and on behalf of all others similarly
situated**

Plaintiffs,

v.

**FKG OIL COMPANY
d/b/a MOTOMART,**

No. 17-cv-217-DRH-DGW

Defendants.

ORDER

This cause comes before the Court pursuant to a Stipulation for Dismissal (Doc. 14) filed by the parties under FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii). Although plaintiffs' complaint alleged claims on behalf of a class of plaintiffs, a motion to certify a class in this case has not yet been filed, consequently, a class has not yet been certified.¹ Accordingly, it is hereby **ORDERED** that all individual claims and allegations brought by DeMaurion Davis and Access Now, Inc. against defendant FKG Oil Company d/b/a Motomart, are hereby **DISMISSED WITH PREJUDICE** and **WITHOUT COSTS**. The claims of any putative class members are hereby **DISMISSED**

¹ Having not certified a class of plaintiffs in this action under FED. R. CIV. P. 23(b)(3), the parties need not seek the Court's approval of their settlement, voluntary dismissal, or compromise. *See* FED. R. CIV. P. 23(e).

WITHOUT PREJUDICE. The Clerk of the Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

Signed this 26th day of July, 2017.

David R. Herndon



Digitally signed by Judge
David R. Herndon
Date: 2017.07.26
10:23:41 -05'00'

United States District Judge